4: Allen H-4 (no date) 1941 RD1 Ukraine RD1

country. The Soviets and all sorts of other similar organizations which were supposed to voice the aspirations of 'great masses' had been organized in the same way. Hrushevsky and Vinnichenko, however, attained their first object, since 'the Ukrainian Conference' elected from its midst members of 'the Ukrainian *Rada*' which was to constitute a sort of Parliament for the Ukraine. These events caused considerable displeasure to the Provisional Government in Petrograd and it was not long before a struggle developed between the Provisional Government and the Ukrainian *Rada*.

'Self-determination of nationalities' had always formed part of the moral and political stock-in-trade of the various brands of 'liberals', 'democrats' and 'socialists' who composed the Provisional Government. But the realities of the situation in which they found themselves imposed on these ideologues a certain moderation in the application of their super-liberal principles. Harassed on all sides by self-constituted revolutionary and nationalist groups and factions, and themselves clinging nervously to the forms of an authority which was being rapidly dispersed by the cold winds of rising anarchy, the Provisional Government had recourse to their usual method of 'persuasion' and they asked the *Rada* to await the end of the war and the decisions of an All-Russian Constituent Assembly.

'Persuasion', however, was hopeless with opponents so skilled in political struggles and intrigue as Hrushevsky and Vinnichenko. Aware of the weakness of the Petrograd Government, the politicians of the *Rada* based their tactics on manœuvring for a gradual enlargement of the powers which they had attributed to themselves, while they avoided provoking the cabinet of Prince Lvov by premature demands of too drastic a nature. The *Rada* secured, for instance, the consent of the Provisional Government to the formation of Ukrainian national troops. In this case they could appeal to the precedent which had been created by the formation of Lettish, Georgian and Armenian national detachments.

Professor Paul Milyukov, a prominent member of the Provisional Government, describes the relations of Petrograd with the *Rada* in the following words: 'The Provisional Government was still continuing to plead with the Ukrainians not to detach themselves from the Motherland, not to go the fatal way of dividing liberated Russia, and not to introduce dissensions into the Army at a moment of great national danger. Weak and devoid of backbone, having itself laid down its arms, the Government could not but register *post factum* the triumphs attained by the Ukrainians. Hrushevsky's tactics consisted in proving that "nothing decisive" was taking place. The fiction that the Government was sanctioning the *Rada's* doings was

4: Allen H-4 (no date) 1941 RD1 Ukraine RD1

645 the principal persons in this Government by the correspondence which passed between the Austrian and German authorities and their Governments—a part of which subsequently fell into the hands of the Bolsheviks and has been published by them (*The Crash of the German Occupation in Ukraine*, 1936, inf. p. 335). In his reports to Vienna the Austrian Chief of Staff, General Waldstetter, found Vsevolod Holubovich, the President of the Council of Ministers, 'eloquent, imaginative—a man of theories with no character at all; put there by the Germans'. Lubinsky, the Minister for Foreign Affairs, was 'a beardless young man extremely well read in Socialist and revolutionary literature; entirely in the hands of the Germans'. Zhukovski, the Minister for War, 'seems to me pro-Russian; he is an ex-Colonel of the General Staff and tries hard to appear before his colleagues as an untainted Socialist and revolutionary from head to foot; in reality a German puppet'. The same source gives a curious characterization of Hrushevsky. 'Hrushevsky—President of the *Rada*, a frightened old man all of a tremble; his old bones are supposed to give the *Rada* a noble patina worthy of so august an assembly. Holds on for all he is worth to the German Command and shows no sympathy at all towards Austria.' Hrushevsky had certainly changed with the times.

● 646 The *Rada* was composed of several hundred deputies, belonging to different Ukrainian parties; amongst them were National Democrats, Social Revolutionaries, Social Democrats and Social Federalists. Separatist tendencies prevailed, but among the more definitely Socialist groups it was possible to observe a more or less veiled distrust of and hostility towards the Austro-German authorities and the obedient cabinet which they had installed in Kiev. The more prominent representatives of these sentiments included Vinnichenko and Petlyura.

668 After its return to Kiev the *Rada* embarked on the purely academic task of elaborating a constitution for the Ukraine. The Occupation authorities were not much interested in this 'august assembly' and had 'no illusions about its importance'. General Hoffmann wrote at the time: 'The difficulty in the Ukraine is that the Central *Rada* has only our rifles behind it. The moment we withdraw our troops their authority will collapse at once' (Hoffmann, p. 207). The historian of the Brest-Litovsk peace, who has studied the documents of the period with great thoroughness, comes to the conclusion that: 'The separatist movement had no roots in the country and the people as a whole were completely indifferent to national self-determination; this had been thrust upon them by a group of political dreamers whose power was derived from the presence of German bayonets.'

8: Fedenko H-4, 5 (no date) 1951 RD1 Ukraine RD1

CHAPTER II

UKRAINE DURING THE REVOLUTION 1917—1920

1. The Ukrainian Central Council

000 In March 1917, the revolution overthrew the Tsarist Government in Russia. This enabled the oppressed peoples of the former Tsarist Empire to declare their rights for political self-determination. These were: the Finns, Estonians, Latvians, Lithuanians, Poles, White Ruthenians (Byelorussians), the Caucasian peoples (Georgians, Armenians, Azerbaidjanians), the peoples of Turkestan and above all the most numerous nation after the Russians, — the Ukrainians.

668 63 646 In March 1917, the Ukrainian Central Council in Kiev was formed from the representatives of the Ukrainian political organisations as representative of the Ukrainian nation. Ukrainian congresses of workers, peasants, and soldiers, also elected their deputies to the Central Council, and thus this organ became a provisional Parliament of Ukraine. The Ukrainian Central Council tried first to realise the autonomous order in Ukraine through an agreement with the Russian Provisional Government of Prince Lvov-Kerenskv.

But the Ukrainian efforts to attain autonomy met with the resolute opposition of the Russian Provisional Government and of the Russian political parties. The centralist tradition of Tsarist Russia continued to live in Russian political parties with the same vigour even after the fall of the régime. The delegates of the Central Council applied to the Russian Provisional Government in Petersburg to recognise by a public act the right of the Ukrainian nation to autonomy within the Russian state. The Russian Government refused this demand, declaring that the problem of autonomy for Ukraine should be decided by the All-Russian Constituent Assembly. This reply could not satisfy the Ukrainians. For it was evident that the Russian Constituent Assembly, with the centralist efforts of the Russian parties having a majority would refuse the autonomous rights of non-Russian peoples.

Thus the Ukrainian Central Council began to realise the necessity for Ukraine to establish an autonomous order itself, without taking into notice the threats of the Russian political parties and

9: Prothero G-4 (no date) 1920 RD1 Ukraine RD1

phils) of being the result of German intrigue.[1] This again gave rise to a pamphlet, by L. Tschelski, issued in Sofia (1915) by the League for the Liberation of the Ukraine, entitled *Is the Ukrainian Movement a German Intrigue?* The Russian Government took severe measures against the members of the League for the Liberation of the Ukraine, who, including the chief leader, Hrushevski, were banished to Siberia, or were forbidden to enter Russia from abroad.

(D) Fourth Period: Since the Russian Revolution of 1917

(*a*) *The Ukraine becomes independent.*—One of the first questions which faced the Provisional Government at the beginning of the Russian Revolution was the demand for an amnesty for the Ukrainian Nationalist offenders, who were allowed to return from Siberia and abroad. Next came the demand for Ukrainian autonomy and the appointment of a special Minister for Ukrainian Affairs, presented by a deputation sent from Kiev to Petrograd on April 6, 1917. Soon afterwards the first Ukrainian National Congress was convened at Kiev (April 19–22), at which some 800 members representative of the *intelligentsia* and the Social Revolutionaries were present. They elected a Central Rada, and declared for an autonomous Ukrainian republic under a Russian federal republic. Professor Hrushevski was elected President. The territory claimed for the Ukrainian state corresponded roughly to the western parts of the Governments of Lublin and Grodno, and the whole of the Governments of Kiev, Poltava, Kherson, Volhynia, Kharkov, Podolia, Yekaterinoslav, and Chernigov, and excluded the Austrian Ukraine. The Congresses of the Ukrainian Soldiers (May 5–7) and of the Ukrainian Peasants (May–June) supported the Rada at this time. But the Petrograd

[1] In answer to a pamphlet by Tschelski, *No Liberator, but an Oppressor of Nations: How Russia freed the Ukraine.* L.L.U., Sofia, 1914.

[Ukrainian constitution as of Nov. 21, 1949]

642 s) Direction of the cultural, educational and scientific organizations and institutions of the Ukrainian SSR, and administration of the cultural, educational and scientific organizations and institutions of all-Republican importance;

t) Direction of public health and administration of institutions of public health of all-Republican importance;

u) Direction and organization of physical culture and sports;

v) Organization of the judicial organs of the Ukrainian SSR;

w) Granting the rights of citizenship of the Ukrainian SSR;

x) Legislation concerning marriage and the family;

y) Amnesty and pardon of citizens convicted by judicial organs of the Ukrainian SSR;

z) Organization of the military formations of the Ukrainian SSR;

aa) Establishment of the representation of the Ukrainian SSR in international relations.

Chapter III. The Higher Organs of State Power of the Ukrainian Soviet Socialist Republic

646 Art. 20. The highest organ of state power in the Ukrainian SSR is the Supreme Soviet of the Ukrainian SSR.

Art. 21. The Supreme Soviet of the Ukrainian SSR is elected for a term of four years by the citizens of the Ukrainian SSR voting by election districts on the basis of one deputy for every 100,000 of the population.

Art. 22. The Supreme Soviet of the Ukrainian SSR exercises all rights vested in the Ukrainian SSR in accordance with Articles 13 and 19 of the Constitution of the Ukrainian SSR, in so far as they do not, by virtue of the Constitution, come within the jurisdiction of organs of the Ukrainian SSR that are accountable to the Supreme Soviet of the Ukrainian SSR, that is, the Presidium of the Supreme Soviet of the Ukrainian SSR, the Council of Ministers of the Ukrainian SSR, and the Ministries of the Ukrainian SSR.

Art. 23. The Supreme Soviet of the Ukrainian SSR is the sole legislative organ of the Ukrainian SSR.

Art. 24. A law is considered adopted if passed by the Supreme Soviet of the Ukrainian SSR by a simple majority vote.

[643] Art. 25. Laws passed by the Supreme Soviet of the Ukrainian SSR are published over the signatures of the President and Secretary of the Presidium of the Supreme Soviet of the Ukrainian SSR.

Art. 26. The Supreme Soviet of the Ukrainian SSR elects a Chairman of the Supreme Soviet and two Vice-Chairmen.

Art. 27. The Chairman of the Supreme Soviet of the Ukrainain SSR and has charge of the conduct of its business and proceedings.

643 Art. 28. The Supreme Soviet of the Ukrainian SSR elects the Presidium of the Supreme Soviet of the Ukrainian SSR, consisting of a President of the Presidium of the Supreme Soviet of the Ukrainian SSR, two Vice-Presidents, a Secretary of the Presidium and fifteen members of the Presidium of the Supreme Soviet of the Ukrainian SSR.

1 [CF, cat. 116, p. 2-4 -- Analyst]

[Ukranian constitution as of Nov. 21, 1949]

643 Art. 29. The Presidium of the Supreme Soviet of the Ukrainian SSR is accountable to the Supreme Soviet of the Ukrainian SSR for all its activities.

Art. 30. The Presidium of the Supreme Soviet of the Ukrainian SSR:

a) Convenes the sessions of the Supreme Soviet of the Ukrainian SSR;

b) Issues decrees;

c) Gives interpretations of the laws of the Ukrainian SSR in operation;

d) Conducts nation-wide polls (referendums);

e) Annuls decisions and orders of the Council of Ministers of the Ukrainian SSR and likewise decisions and orders of the regional Soviets of Working People's Deputies, if they do not conform to law;

f) In the intervals between sessions of the Supreme Soviet of the Ukrainian SSR, releases and appoints Ministers of the Ukrainian SSR, on the recommendation of the Chairman of the Council of Ministers of the Ukrainian SSR, subject to subsequent confirmation by the Supreme Soviet of the Ukrainian SSR;

g) Grants the rights of citizenship of the Ukrainian SSR;

h) Confers titles of honour of the Ukrainian SSR and grants awards;

i) Exercises the right of pardoning citizens convicted by judicial organs of the Ukrainian SSR;

j) Appoints and recalls diplomatic representatives of the Ukrainian SSR to foreign states;

k) Receives the letters of credence and recall of diplomatic representatives accredited to it by foreign states.

643 Art. 31. Sessions of the Supreme Soviet of the Ukrainian SSR are convened
646 by the Presidium of the Supreme Soviet of the Ukrainian SSR twice a year.

Extraordinary sessions are convened by the Presidium of the Supreme Soviet of the Ukrainian SSR at its discretion or on the demand of one-third of the deputies to the Supreme Soviet of the Ukrainian SSR.

646 Art. 32. The Supreme Soviet of the Ukrainian SSR elects a Credentials Committee to verify the credentials of the members of the Supreme Soviet of the Ukrainian SSR.

On the report of the Credentials Committee, the Supreme Soviet of the Ukrainian SSR decides whether to recognise the credentials of deputies or to annul their election.

Art. 33. The Supreme Soviet of the Ukrainian SSR, when it deems necessary, appoints commissions of investigation and audit on any matter.

It is the duty of all institutions and officials to comply with the demands of such commissions and to submit to them all necessary materials and documents.

Art. 34. A member of the Supreme Soviet of the Ukrainian SSR may not be prosecuted or arrested without the consent of the Supreme Soviet of the Ukrainian SSR, or, when the Supreme Soviet of the Ukrainian SSR is not in session, without the consent of the Presidium of the Supreme Soviet of the Ukrainian SSR.

643 Art. 35. On the expiration of the term of office of the Supreme Soviet of
646 the Ukrainian SSR, the Presidium of the Supreme Soviet of the Ukrainian SSR orders
[666] new elections to be held within a period not exceeding two months from the date of expiration of the term of office of the Supreme Soviet of the Ukrainian SSR.

[Ukrainian constitution as of Nov. 21, 1949]

643 Art. 36. On the expiration of the term of office of the Supreme Soviet of
646 the Ukrainian SSR, the Presidium of the Supreme Soviet of the Ukrainian SSR retains its powers until the newly-elected Supreme Soviet of the Ukrainian SSR shall have formed a new Presidium of the Supreme Soviet of the Ukrainian SSR.

Art. 37. The newly-elected Supreme Soviet of the Ukrainian SSR is convened by the outgoing Presidium of the Supreme Soviet of the Ukrainian SSR not later than three months after the elections.

645 Art. 38. The Supreme Soviet of the Ukrainian SSR appoints the Government
[646] of the Ukrainian SSR, namely, the Council of Ministers of the Ukrainian SSR.

Chapter IV. The Organs of State Administration of the Ukrainian Soviet Socialist Republic

Art. 39. The highest executive and administrative organ of state power of the Ukrainian SSR is the Council of Ministers of the Ukrainian SSR.

Art. 40. The Council of Ministers of the Ukrainian SSR is responsible and accountable to the Supreme Soviet of the Ukrainian SSR, or, in the intervals between sessions of the Supreme Soviet of the Ukrainian SSR, to the Presidium of the Supreme Soviet of the Ukrainian SSR.

Art. 41. The Council of Ministers of the Ukrainian SSR issues decisions and orders on the basis and in pursuance of the laws in operation of the USSR and the Ukrainian SSR, and of the decisions and orders of the Council of Ministers of the USSR, and verifies their execution.

Art. 42. Decisions and orders of the Council of Ministers of the Ukrainian SSR are binding throughout the territory of the Ukrainian SSR.

Art. 43. The Council of Ministers of the Ukrainian SSR:

a) Coordinates and directs the work of the Ministries of the Ukrainian SSR and of other institutions under its jurisdiction; coordinates and verifies the work of the authorized representatives of the all-Union Ministries;

b) Adopts measures to carry out the national-economic plan;

c) Adopts measures to fulfil the state and local budgets of the Ukrainian SSR;

d) Adopts measures for the maintenance of public order, for the protection of the interests of the state, and for the safeguarding of the rights of citizens;

e) Directs and verifies the work of the Executive Committees of the regional Soviets of Working People's Deputies;

f) Sets up, whenever necessary, special Committees and Central Administrations under the Council of Ministers of the Ukrainian SSR for economic and cultural affairs;

g) Directs the organization of the military formations of the Ukrainian SSR;

h) Exercises guidance in the sphere of the relations of the Ukrainian SSR with foreign states, on the basis of the general procedure established by the USSR governing the relations of Union Republics with foreign states.

Art. 44. The Council of Ministers of the Ukrainian SSR has the right to annul decisions and orders of Executive Committees of regional Soviets of Working

[Ukrainian constitution as of Nov. 21, 1949]

631 Art. 79. On the expiration of the terms of office of the regional, area, district, city settlement or village Soviets of Working People's Deputies, their executive and administrative organs retain their powers until the newly elected Soviets shall have formed new executive and administrative organs.

Chapter VI. The Budget of the Ukrainian Soviet Socialist Republic

652 Art. 80. The state budget of the Ukrainian SSR is drawn up by the Council of Ministers of the Ukrainian SSR and submitted by it to the Supreme Soviet of the 644 Ukrainian SSR for its approval.

[645] Upon its approval by the Supreme Soviet of the Ukrainian SSR the state budget of the Ukrainian SSR is published for general information.

Art. 81. The Supreme Soviet of the Ukrainian SSR elects a Budget Commission, which reports its conclusions on the state budget of the Ukrainian SSR to the Supreme Soviet.

Art. 82. The report on the fulfilment of the state budget of the Ukrainian SSR is approved by the Supreme Soviet of the Ukrainian SSR and published for general information.

651 Art. 83. The budgets of the regional, area, district, city, settlement and 652 village Soviets include the revenues from the local economy, deductions from the state revenues collected within their territory and likewise receipts from local taxes and imposts in amounts fixed by the laws of the USSR and the Ukrainian SSR.

Chapter VII. The Courts and the Procurator's Office

692 Art. 84. In the Ukrainian SSR justice is administered by the Supreme Court of the Ukrainian SSR, the Regional and Area Courts, the Special Courts of the USSR established by decision of the Supreme Soviet of the USSR, and the People's Courts.

[693] Art. 85. In all Courts cases are tried with the participation of people's assessors, except in cases specially provided for by law.

Art. 86. The Supreme Court of the Ukrainian SSR is the highest judicial organ of the Ukrainian SSR. The Supreme Court of the Ukrainian SSR is charged with the supervision of the judicial activities of all the judicial organs of the Ukrainian SSR.

[646] Art. 87. The Supreme Court of the Ukrainian SSR is elected by the Supreme Soviet of the Ukrainian SSR for a term of five years.

Art. 88. Regional and area courts are elected by regional and area Soviets of Working People's Deputies for a term of five years.

Art. 89. People's courts are elected by the citizens of the district on basis of universal, direct and equal suffrage by secret ballot for a term of three years.

695 Art. 90. Judicial proceedings in the Ukrainian SSR are conducted in the [563] Ukrainian language, persons not knowing the language being guaranteed every opportunity of fully acquainting themselves with the material of the case through an interpreter and likewise the right to use their own language in court.

[UKRAINIAN CONSTITUTION AS OF NOV 21, 1949]

Art. 121. Elections of deputies to Soviets of Working People's Deputies of the Ukrainian SSR are held by election districts on the following bases:

in elections to regional Soviets - one deputy for every 15,000 to 30,000 of the population, depending upon its size;

in elections to district and area Soviets - one deputy for every 1,000 of the population; in a district or area whose population does not exceed 25,000, twenty-five deputies are elected, and in a district or area whose population exceeds 60,000, not more than sixty deputies are elected;

in elections to city Soviets or city district Soviets - one deputy for every 350 to 900 of the population, depending upon its size; in a city or city district whose population does not exceed 12,000, thirty-five deputies are elected;

in elections to the Kiev and Kharkov city Soviets - one deputy for every 1,000 of the population;

in elections to village or settlement Soviets - one deputy for every 100 of the population; in a village or settlement whose population does not exceed 1,000, nine deputies are elected, and where the population exceeds 2,500, not more than twenty-five deputies.

The basis of representation for each regional, district, city, village and settlement Soviet of Working People's Deputies is fixed in the "Ordinance Concerning Elections to Regional, District, City, Village and Settlement Soviets of Working People's Deputies of the Ukrainian SSR," within the range of the bases of representation indicated in the present article.

Art. 122. Candidates for elections are nominated according to electoral district.

The right to nominate candidates is secured to public organizations and societies of the working people: Communist Party organizations, trade unions, co-operatives, youth organizations and cultural societies.

Art. 123. It is the duty of every deputy to report to his electors on his work and on the work of the Soviet of Working People's Deputies, and he is liable to be recalled at any time upon decision of the majority of the electors in the manner established by law.

Chapter X. Arms, Flag, Capital

Art. 124. The state arms of the Ukrainian SSR are a sickle and hammer of gold in relief, placed crosswise, handles down against a red background in the rays of the rising sun, and surrounded by ears of wheat, which are placed symmetrically, from bottom to top, forming a circle. Between the tops of the ears of wheat is a red star. At the bottom of the wreath are the words, "Ukrainian SSR" on a red band, and at the bottom of the ears of corn the words, "Workers of all Countries United!" in the Russian language on the right, and in the Ukrainian language on the left.

Art. 125. The state flag of the Ukrainian SSR is of cloth divided into two horizontal bands of color: the upper band, in red, is two-thirds of the width of the flag, and the lower band, in azure, is one-third of the width of the flag. In the upper part of the flag, about one-third of the distance from the staff, are a hammer and sickle of gold and above them a five-pointed star with a gold border.

The relation of width to length of the flag is 1:2.

Art. 126. The Capital of the Ukrainian SSR is the City of Kiev.

Chapter XI. Procedure for Amending the Constitution

Art. 127. The Constitution of the Ukrainian SSR may be amended only by decision of the Supreme Soviet of the Ukrainian SSR adopted by a majority of not less than two-thirds of the votes of the Supreme Soviet.